

1 REMARKS

2 The Applicant respectfully requests reconsideration and allowance of claims 1-8 and 23-
3 32 in view of the above amendments and arguments set forth below.

4 The Applicant appreciates the further consideration of claims 6-8 in this application.
5

6 I. THE TELEPHONE INTERVIEW

7 The Applicant appreciates the telephone interview conducted between Examiners Knox
8 and Carone and Applicant's attorney Russell Culbertson on April 25, 2006. In the telephone
9 interview, the Applicant's attorney pointed to the definition of a "receiver" of a firearm and
10 distinguished the receiver from gripping or holding components such as the "stock" of a firearm.
11 The Applicant's attorney noted that claim 23 required that removing the first OEM trigger group
12 pin released a first trigger group component with respect to both the firearm and a second trigger
13 group component. The Applicant's attorney further pointed out that removing the screws 49 in
14 the Murtz reference described further below merely released the trigger assembly from the
15 receiver and did not in fact release any trigger group component with respect to both the firearm
16 and a second trigger group component as required by claim 23. No agreement was reached as to
17 the allowability of the claims.
18

19 II. THE AMENDMENTS

20 Claims 1 and 6 are amended above to clarify the order in which the method steps are
21 performed for the purposes of those claims. This order is disclosed in Figures 4 and 5 and the
22 disclosure text regarding those figures. Claim 6 is also amended in the preamble to clarify the

1 nature of the firearm to which the method stated in claim 6 pertains. These preamble
2 amendments to claim 6 are supported by Figure 5.

3 Claims 23, 27, 31 and 32 are amended above to clarify that the OEM trigger group
4 components are removed from the lower receiver prior to placing the trigger group module in the
5 lower receiver. This process is described in the application at page 13, line 19 to page 14, line 7.
6 Claims 31 and 32 are also amended above to eliminate the step of assembling the trigger group
7 module.

8 Claim 30 is amended above to refer to "module housing" consistent with the previous
9 related claims.

10
11 **III. THE CLAIMS ARE NOT ANTICIPATED BY THE MURTZ REFERENCE**

12 The Office Action rejected Claims 1, 2, 6, 7, 27-30, 32 under 35 U.S.C. §102(b) as being
13 anticipated by Kimber Model 82 U.S. Government Bolt-Action Rifle (the "Murtz page 658
14 reference"). The Applicant respectfully submits that the claims are not anticipated by the Murtz
15 page 658 reference.

16 In rejecting independent claims 1 and 6 in view of the Murtz page 658 reference, the
17 Examiner defined element 16 in the Murtz page 658 reference as a "lower receiver." However,
18 element 16 of the Murtz page 658 reference is the stock of the firearm and may not be properly
19 considered a "receiver." 27 C.F.R. §479.11 defines a "receiver" as that part of a firearm which
20 provides housing for the hammer, bolt or breechblock, and firing mechanism, and which is
21 usually threaded at its forward portion to receive the barrel. In the case of the Murtz page 658
22 reference, no portion of the stock 16 provides a housing for any of the hammer, bolt, or firing

1 mechanism of the rifle. Rather, the stock 16 in the Murtz page 658 reference merely provides a
2 gripping surface for the rifle. If the stock 16 were removed from the rifle, the hammer, bolt, and
3 firing mechanism of the rifle would remain in an operating position and the rifle would be
4 operable to load and fire a round. In contrast, since a "receiver" provides the housing for the
5 hammer, bolt, and firing mechanism, it is simply not possible to remove any part of the receiver
6 and leave the firearm operational. The key importance of the receiver to the operation of the
7 firearm is the reason that federal firearm regulations require the receiver to carry the federally
8 required firearm serial number in some cases.

9 In the telephone interview, Examiner Knox indicated that only the center portion of the
10 stock 16 in the Murtz page 658 reference was being considered the "receiver" for purposes of the
11 claim rejections. However, even this central portion of the stock 16 through which the trigger
12 group assembly extends does not meet the definition of "receiver" set out in 27 C.F.R. §479.11,
13 because this central portion of the stock does not provide a housing for any of the hammer, bolt,
14 or firing mechanism in the rifle.

15 Claim 1

16 The Applicant's claim 1 requires the following method steps.

- 17 (a) assembling a number of trigger group components in a trigger group module;
18 (b) separating an upper receiver from the firearm to expose a trigger group receiving
19 opening in a lower receiver of the firearm;
20 (c) inserting the trigger group module into the lower receiver through the trigger
21 group receiving opening so as to place the trigger group module in an operating
22 position in the lower receiver; and then
23 (d) after placing the trigger group module in the operating position in the lower
24 receiver, reconnecting the upper receiver to the lower receiver while the trigger
25 group module remains inserted in the lower receiver.

26 The Murtz page 658 reference does not teach or suggest any of elements (b), (c), or (d) of claim

27 1. In particular, the Murtz page 658 reference does not teach or suggest separating an upper

1 receiver from a firearm to expose a trigger group receiving opening in a lower receiver of the
2 firearm. Removing the stock 16 in the Murtz page 658 reference does not expose a trigger group
3 receiving area in a lower receiver. Furthermore, even assuming for the sake of argument that the
4 center opening in the stock 16 of the Murtz page 658 reference could be considered a trigger
5 group receiving opening in a lower receiver, nothing in the reference teaches or suggests
6 inserting a trigger group module into the stock 16 to an operating position in the stock, and then
7 after placing the trigger group module in that position, reconnecting the upper receiver to the
8 lower receiver as required at elements (c) and (d) of claim 1. In contrast, the complete trigger
9 group assembly 2 in the Murtz page 658 reference is screwed on to the receiver and barrel
10 assembly 1 with screws 49 and the receiver and barrel assembly 1 and trigger group assembly 2
11 are connected to the stock 16.

12 For all of these reasons the Applicants believe that claim 1 is not anticipated by the Murtz
13 page 658 reference and that the anticipation rejections as to claim 1 and its respective dependent
14 claims should be withdrawn.

15 Claim 6

16 Independent claim 6 includes limitations at elements (b) and (c) that correspond generally
17 to elements (c) and (d) of claim 1. Thus, the arguments presented above with regard to elements
18 (c) and (d) of claim 1 apply with equal force to claim 6. The Applicant therefore submits that the
19 anticipation rejection of claim 6 and its respective dependent claims should be withdrawn.
20

1 Claims 23-30, and 32

2 Claim 23 depends from claim 1 and, among other elements, further requires at element

3 (a):

4 prior to inserting the trigger group module into the lower receiver, removing a first OEM
5 trigger group pin to release a first OEM trigger group component with respect to the
6 lower receiver **and with respect to a second trigger group component.** [Emphasis Added]

7 Although the Office Action does not positively reject claim 23 under 35 U.S.C. §102(b), it does
8 appear to set forth a reason for an anticipation rejection as to claim 23 at section 5 of the Office
9 Action at page 3. In this light, the Applicant assumes that it was intended in the Office Action to
10 reject claim 23 under 35 U.S.C. §102(b). In stating the grounds for rejection as to claim 23, the
11 Office Action refers to removing a first trigger pin 49 in the Murtz page 658 reference to release
12 a first trigger group component with respect to the firearm and with respect to a second trigger
13 group component. However, it is apparent that removing one of the screws 49 in the Murtz page
14 658 reference will not release any trigger group component with respect to any other trigger
15 group component. Thus, removing one of the screws 49 in the Murtz page 658 reference cannot
16 represent the pin removal step required at element (a) of claim 23. It is further noted that no
17 screw or pin associated with trigger group assembly 2 in the Murtz page 658 reference can be
18 said to represent the pin removed according to the step at element (a) of claim 23 because the
19 Office Action previously defines the stock 16 as the lower receiver, and trigger group assembly 2
20 as the trigger group module.

21 Because the Murtz page 658 reference does not teach or suggest the method step required
22 at element (a) of claim 23, claim 23 also cannot be anticipated on this ground in addition to the

1 ground stated above with respect to its independent claim, claim 1. For this additional reason,
2 the Applicant therefore believes that the anticipation rejection of claim 23 should be withdrawn.

3 Claims 27 and 32 each require claim limitations regarding the removal of an OEM trigger
4 group pin similar to the above described limitation at element (a) of claim 23. Therefore, the
5 above argument as to claim 23 applies with equal force to claims 27 and 32. The anticipation
6 rejection of claims 27 and 32 should be withdrawn as well.

7 The rejection of claims 24-26 and 28-30 all depend upon the Office Action definition of
8 one of the screws 49 in the Murtz page 658 reference as the first OEM trigger group pin
9 referenced in claims 23 and 27. Since this definition is in error as discussed above in connection
10 with element (a) of claim 23, the Applicant believes that the anticipation rejection of claims 24-
11 26 and 28-30 are incorrect as well and should be withdrawn.

12
13 IV. THE CLAIMS ARE NOT OBVIOUS OVER THE MURTZ PAGE 658 REFERENCE IN
14 VIEW OF THE BUTLER PATENT

15 The Office Action rejected claims 3-5, 8, and 31 under 35 U.S.C. § 103(a) as being
16 unpatentable over the Murtz page 658 reference in view of U.S. Patent No. 6,347,569 to Butler
17 (the "Butler patent" or Butler"). The Applicant respectfully submits that the proposed
18 combination of the Murtz page 658 reference and the Butler patent does not render the
19 Applicant's claims obvious because the proposed combination does not teach or suggest all
20 elements required in the claims, and because there is no teaching, suggestion, or motivation in
21 the prior art to combine the references as proposed in the Office Action.

1 In making the Section 103 rejections, the Office Action states that the Murtz page 658
2 reference discloses the claimed invention except for supporting the trigger group module from a
3 pin receptacle in the lower receiver body. The Office Action then goes on to refer to the pin
4 arrangement shown for trigger mechanism 30 in the Butler patent in Figures 2, 5a, and 5b.

5 First it is noted that the Butler patent does not in any way make up for the deficiencies of
6 the Murtz page 658 reference with respect to the independent claim 1 and 6. The Butler patent
7 also does not make up for the deficiency of the Murtz page 658 reference with respect to
8 removing a first OEM trigger group pin to release a first OEM trigger group component with
9 respect to the lower receiver and with respect to a second trigger group component as required at
10 element (b) of claim 31. For these reasons alone, the proposed combination fails to teach or
11 suggest each element required in the rejected claims, and thus the Section 103 rejections should
12 be withdrawn.

13 The Office Action also fails to state any appropriate teaching, suggestion, or motivation
14 to modify the Murtz page 658 reference as proposed by the Office Action. The Office Action
15 merely indicates that it would have been obvious to modify the trigger group assembly 2 and
16 lower receiver 16 in the Murtz page 658 reference to include a pin, pin receiver, and lower pin
17 receptacle openings as taught by Butler. However, the Butler patent does not in fact teach or
18 suggest lower receiver pin receptacles as suggested in the Office Action. At most, Butler may
19 suggest that a trigger assembly may be connected to a receiver with a pin arrangement. This
20 might be seen as suggesting replacing the screws 49 with pins for connecting trigger group
21 assembly 2 to receiver 26 in the Murtz page 658 reference. However, making this modification
22 in Murtz based on the teachings of Butler does not produce the structure required by 3, 8, and 31,

1 namely that the trigger group module is supported or secured from a pin receptacle in a lower
2 receiver. Also, there is simply no suggestion in Butler or elsewhere in the prior art of supporting
3 a trigger group module by inserting a pin through both a pin receptacle and through a module pin
4 opening as required by claim 5 (and shown in Figures 2 and 3 at 21a and 22a).

5 Because the proposed combination of references fails to teach or suggest each element
6 required in the present claims and because there is no teaching, suggestion, or motivation to
7 make the combinations and modifications of the prior references to result in the presently
8 claimed invention, the Applicant believes that claims 3-5, 8, and 31 are not obvious over the
9 cited art. The Applicant therefore requests that the obviousness rejections be withdrawn along
10 with anticipation rejections.

1 V. CONCLUSION

2 For all of the above reasons, the Applicant respectfully requests reconsideration and
3 allowance of Claims 1-8 and 23-32.

4 If the Examiner should feel that any issue remains as to the allowability of these claims,
5 or that a further conference might expedite allowance of the claims, he is asked to telephone the
6 Applicant's attorney Russell D. Culbertson at the number listed below prior to issuing a further
7 action.

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9 Respectfully submitted,

10 The Culbertson Group, P.C.


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14 Dated: 27 April 2006

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22 CERTIFICATE OF FACSIMILE

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24 I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark
25 Office, (Fax No. 571-273-8300) on April 27, 2006.

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